

UNITED STATES OF AMERICA,)
)
 v.) **ORDER**
)
 EDWIN RICH,)
)
 Defendant.)

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particularized showing of a need for the documents. See Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152–53 (4th Cir. 1972). Moreover, the litigant is not entitled to free copies “merely to comb the record in the hope of discovering some flaw.” United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963).

The statute suggests that “a motion for a free transcript pursuant to § 753(f) is not ripe until a § 2255 motion has been filed.” United States v. Horvath, 157 F.3d 131, 132 (2d Cir. 1998) (per curiam); see United States v. Webb, 54 Fed. App’x 588 (4th Cir. 2003) (per curiam) (unpublished). As noted, Rich seeks a transcript in order to prepare a section 2255 motion.

Defendant has not shown why he needs court records before he can set forth facts to support a § 2255 motion and has failed to establish that the transcripts, or other documents, are needed for resolution of issues to be raised in the proposed subsequent proceeding. The defendant’s request is premature because he has not filed a § 2255 motion. Therefore, the court will deny his motion without prejudice to allow him to refile the motion should he satisfy the requirements [of] § 753(f).

United States v. Santos, Criminal No. 2:03-00194-02, 2007 WL 4166146, at *1 (S.D.W. Va. Nov. 20, 2007) (unpublished).

Accordingly, the court DENIES the motions [D.E. 88, 90] WITHOUT PREJUDICE.

SO ORDERED. This 25 day of October 2011.


JAMES C. DEVER III
Chief United States District Judge